

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
(Cincinnati)**

JOEL MOYER, et al.	:	Case No. 1:01-CV-140
	:	
Plaintiffs,	:	Senior Judge Herman J. Weber
	:	
v.	:	DEFENDANT AMBASSADOR
	:	PROGRAMS, INC.'S ANSWER TO
AMBASSADOR PROGRAMS, INC. ,	:	DEFENDANT
et al.	:	HUMANA/CHOICECARE'S
	:	CROSSCLAIM
Defendants.	:	

For its answer to Defendant Humana/Choicecare's (Choicecare) crossclaim, Defendant Ambassador Programs, Inc. (Ambassador) states as follows:

1. Ambassador denies for lack of knowledge paragraph 1.
2. Ambassador denies for lack of knowledge paragraph 2.
3. Ambassador admits that Joel Moyer sustained various injuries as a result of trying to kill himself on December 31, 1999. Ambassador denies the rest of paragraph 3.
4. Ambassador denies paragraph 4.
5. Ambassador denies for lack of knowledge whether Choicecare was required to and did pay \$40,362.37 for Joel Moyer's medical expenses per the Proctor & Gamble employee benefit plan. Ambassador denies the rest of paragraph 5.

AFFIRMATIVE DEFENSES

1. Choicecare's crossclaim fails to state a claim that relief can be granted upon.
2. Choicecare's claims are barred in whole or in part by Joel Moyer's contributory or comparative negligence.
3. Choicecare's damages, if any, are the sole, direct, and proximate result of actions or inactions of others whom Ambassador did not control or have a right to control.
4. Plaintiffs' have failed to mitigate some or all of their damages, and so Ambassador is entitled to an offset against any damages that Choicecare may claim.
5. Ambassador denies all allegations not specifically admitted.

Respectfully submitted,

/s/ Martin A. Beyer

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CERTIFICATE OF SERVICE

I certify that a copy of **Defendant Ambassador Programs, Inc.'s Answer to Defendant Humana/Choicecare's Crossclaim** was sent electronically and by U.S. Mail, to:

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on June 14, 2004.

/s/ Martin A. Beyer
Martin A. Beyer